

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CV-272-D

KIMBERLY T. SPENCE, and
WILLIAM M. WINDSOR,

Plaintiffs,

v.

CARL J. WILLIS, II,

Defendant.

ORDER

On December 18, 2017, this court dismissed Kimberly T. Spence and William M. Windsor's claims and closed the case. See [D.E. 20]. On February 26, 2018, plaintiff Spence ("Spence") appealed [D.E. 22]. On May 4, 2018, the United States Court of Appeals for the Fourth Circuit dismissed the appeal. See Spence v. Willis, 721 F. App'x 290, 291 (4th Cir. 2018) (per curiam) (unpublished); [D.E. 24]. On July 10, 2018, Spence filed another notice of appeal [D.E. 30]. On January 17, 2019, the Fourth Circuit dismissed the appeal. See Spence v. Willis, 748 F. App'x 510, 510–11 (4th Cir. 2019) (per curiam) (unpublished); [D.E. 35]. On October 10, 2019, Spence filed another notice of appeal and asked to reopen the case [D.E. 39]. On October 17, 2019, the Fourth Circuit denied the motion to reopen the case. See Spence v. Willis, No. 18-1790 (4th Cir. Oct. 17, 2019) [Doc. 105].

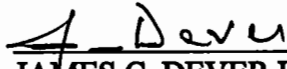
On May 7, 18, and 21, 2021, Spence moved to reopen the case [D.E. 55, 56, 57]. To the extent Spence seeks reconsideration under Federal Rule of Civil Procedure 59, the motion is untimely. See Fed. R. Civ. P. 59(e); cf. Zinkand v. Brown, 478 F.3d 634, 637 (4th Cir. 2007); Bogart v. Chapell, 396 F.3d 548, 555 (4th Cir. 2005); Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co., 148

F.3d 396, 403 (4th Cir. 1998); Hughes v. Bedsole, 48 F.3d 1376, 1382 (4th Cir. 1995).

To the extent Spence seeks relief under Federal Rule of Civil Procedure 60(b), the court denies the motion as baseless. See Fed. R. Civ. P. 60(b); Aikens v. Ingram, 652 F.3d 496, 500–01 & n.3 (4th Cir. 2011) (en banc); Robinson v. Wix Filtration Corp. LLC, 599 F.3d 403, 412 n.12 (4th Cir. 2010); Nat'l Credit Union Admin. Bd. v. Gray, 1 F.3d 262, 264 (4th Cir. 1993); cf. Luxama v. McHugh, 675 F. App'x 272, 273 (4th Cir. 2017) (per curiam) (unpublished).

The court DENIES as baseless plaintiff's motions to reopen the case [D.E. 55, 56, 57]. The case remains closed.

SO ORDERED. This 18 day of June 2021.



JAMES C. DEVER III
United States District Judge